



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF THE
REGIONAL
ADMINISTRATOR

February 23, 2015

Colonel Christopher D. Lestochi
Alaska District Engineer
U.S. Army Corps of Engineers
P.O. Box 6898
JBER, Alaska 99506-0898

Dear Colonel Lestochi:

This letter is in further reference to Public Notice No. POA-2006-597-M1, for the permit application by Alaska Department of Transportation and Public Facilities to improve surface transportation from Juneau to Haines and Skagway by extending Glacier Highway 50.8 miles along the eastern shore of the Lynn Canal. The U.S. Environmental Protection Agency sent the U.S. Department of the Army a letter regarding this public notice on January 29, 2015. The EPA's position in this case is based on site-specific information presented in the Draft Supplemental Environmental Impact Statement and the Public Notice. As stated in the EPA's letter of January 29, 2015, the proposed project will adversely impact 100.1 acres of waters of the United States, including wetlands and intertidal marine waters. The EPA is especially concerned for the direct and cumulative impacts within the Tongass National Forest, Berners Bay and the Katzechin River Delta.

The EPA is also concerned with the practicability evaluation found in the Draft Supplemental Environmental Impact Statement. The practicability evaluation is not meant to identify which alternative best meets the project purpose, but rather, identifies which alternatives are practicable within the scope of the purpose and need. To evaluate the alternatives in light of the overall project purpose and through the evaluation criteria, the EPA analyzed capacity, flexibility and travel time of each alternative in relation to the No Action Alternative. Each action alternative increases the summer capacity for travel between Juneau and Skagway and Haines, and therefore, all the action alternatives meet the capacity element of the overall purpose. In comparison to the No Action Alternative, Alternatives 2B, 3, 4A, 4B and 4D meet the flexibility and reduce travel time elements of the project purpose and need statement. Therefore, Alternatives 2B, 3, 4A, 4B and 4D should be considered practicable in light of the evaluation criteria to meet the project purpose.

The Clean Water Act Section 404(b)(1) Guidelines state that only the least environmentally damaging practicable alternative may be permitted. The proposed alternative includes the most stream crossings, wetland acres filled, and subtidal and intertidal acres filled. Each of the other Action Alternatives (Alternatives 3, 4A, 4B, 4C and 4D) has fewer impacts to all of these areas than the proposed project. Furthermore, Alternatives 4A, 4B, 4C and 4D have fewer impacts to aquatic resources than both the proposed project and Alternative 3. Therefore, the EPA concludes that Alternatives 4A, 4B and 4D meet all of the elements of the stated project purpose and need for practicability and each have fewer impacts than the proposed project, as does Alternative 3. Moreover, additional minimization measures could be used to further reduce impacts of Action Alternatives. The EPA concludes there likely are one or more practicable alternatives to the proposed discharge that would have less adverse impact on the aquatic

environment and meet the overall project purpose. Please refer to the EPA's letter of January 29, 2015, for more details about the EPA's concerns and recommendations.

The EPA has received no new information regarding this project since the EPA's January 29, 2015 letter, therefore the EPA maintains our objections from that letter. Pursuant to paragraph IV(3)(b) of the August 11, 1992 Memorandum of Agreement between the EPA and DA under Clean Water Act Section 404(q), the EPA concludes that the proposed project will have substantial and unacceptable adverse effects on Aquatic Resources of National Importance, specifically Berners Bay and the Lynn Canal. Should the Corps decide to issue the permit, I request that you notify me pursuant to paragraph IV(3)(c) of the MOA.

Thank you for the opportunity to review this project. The EPA greatly appreciates the attention that you and your staff have provided to this project. Should you have any questions about this letter, please do not hesitate to contact me or have your staff contact Becky Fauver, Biologist, by phone at (206) 553-1353, or by email at fauver.becky@epa.gov.

Sincerely,



Dennis J. McLerran
Regional Administrator

cc: Steve Brockmann, Deputy Field Supervisor
USFWS Juneau

Linda Shaw, Wildlife Biologist
NOAA Juneau

Michelle Hale, Director of Water
ADEC